

OUT OF TIME

No. 51

Out of Control -- Lesbian Committee to Support Women Political Prisoners

2/2000

CALIFORNIA LOCKS UP MORE OF ITS CHILDREN PER CAPITA THAN ANY OTHER STATE

The March 2000 ballot in California will have a state-wide initiative sponsored by former governor Pete Wilson. This measure, called Proposition 21, seeks to radically alter the juvenile justice system to the detriment of our children. It is based on lies and misconceptions.

This initiative would do nothing to address the problem of crime. Treating children as adults does not help them or make our communities safer. In fact, states with similar laws have reported more violent crime arrests for juveniles than has California.

in the nation, California is:
#1 in prison spending
#41 in education spending

VOTE NO ON PROP 21

This law would

- *Mix children with adults in prison
- *Eliminate informal probation even for minor offenses
- *Erode confidentiality of juvenile records
- *Permit prosecutors to file adult charges against youths 14 and older without any type of judicial hearing first
- *Expand the list of three "strike offenses" for youths and adults
- *Create new crimes and penalties for youths only casually associated with groups labeled by police as street gangs
- *Require youth to register with the police after conviction for so-called "gang"-related offenses
- *Expand the death penalty

The Cost

The legislative analyst and the California Dept. of Finance have concluded that Prop. 21 will impose local costs in the tens of millions and state costs in the hundreds of millions each year.

Research shows that money spent on preventative measures such as parent training and graduation incentive programs are effective in reducing crime.



The truth is

- *All crime, including youth crime, is decreasing
- *Children's contacts with the law involve primarily non-violent crimes and behavior such as truancy and curfew violations
- *California already has some of the harshest sentences in the nation
- *California spends \$2.2 billion annually on punitive responses to juvenile and adult crime and \$4 billion annually on prisons

What About the Girls?

Julie Posadas, J.D.

On March 7, Californians will vote for the future of our juvenile justice system. The "Gang Violence and Juvenile Crime Prevention Act", otherwise known as Proposition 21, is a massive revision of California law that changes the focus of the juvenile justice system from rehabilitation to punishment. If the Initiative passes, it will be much easier for youth to enter and stay in the adult criminal justice system. If Californians defeat Proposition 21, we are still left with an existing juvenile justice system that is far from perfect. Despite the fact that juvenile crime has substantially declined within the last five years, California has the nation's highest and fastest growing youth incarceration rate. Since our state invests more money in prisons than education, our children, especially youth of color, are extremely vulnerable to being behind bars.

As the public debates whether punish or protect young offenders, often lost in this discussion is the plight of girls in the juvenile justice system. Since the majority of youth arrested are boys, it's not surprising that Proposition 21 was designed to address the criminal experiences of young men. Current research on female juvenile delinquency shows that girls not

only enter the criminal system for different reasons than boys, but once in the system they spend more time in custody and receive less rehabilitative services than their male counterparts. Since the Initiative does not provide prevention services, the negative impact it may have on female juvenile offenders may be worse than we realize. By bringing to light the experiences of girls in the juvenile justice system, this article will analyze the effect Proposition 21 may have on young women, while providing some real solutions for making a positive difference in their lives.

Summary of Proposition 21

Proposition 21, authored by former Governor Pete Wilson, is currently being marketed as the solution for juvenile and gang crime. While still in office, Wilson raised \$1 million from corporate sponsors like PG&E and Chevron to qualify this Initiative for the statewide ballot. Proposition 21 proposes to, among other things, unseal confidential juvenile records, make it easier to try juveniles as young as 14 as adults, and send them to adult prisons. The Initiative also expands the legal definitions of a "gang", making it much easier for all youth to be profiled and punished as gang members. It contains more than fifty recommendations to change the existing role of juvenile probation, strengthen the influence of prosecutors, and increase severe penalties for a number of juvenile crimes.

see *Girls*, page 4



Out of Time
c/o Out of Control Lesbian Committee
3543 18th Street, Box 30
San Francisco, CA 94110
email: outoftime@igc.org

Thinking About Dying and Living at the End of the 2nd Western World Millennium

Marilyn Buck, FCI Dublin

Because I'm a Federal prisoner in CA, I hear more about what goes on in CA state prisons than in other states. Fortunately there exists a progressive, growing prisoner support movement with numerous groups. There needs to be, given the proliferation of the CA prison state, run by the CA guards union with its maximum control units, brutality, gladiator fights and carnival shooting sprees.

Prisoner support groups have organized hard, protested, filed lawsuits. Some victories have been won. But in spite of their unceasing labors and dedication, prisoners continue to die at the hands of the State inside these prison walls. Until recently, because of prison and AIDS activists, there was a possibility of a compassionate release when a prisoner was dying of AIDS or cancer. The current Governor has thrown that out. The prisoner must die in custody. Women prisoners were recently slapped in the face. The court-appointed assessor in the Shumate suit (a class action suit filed by Charisse Shumate and other women prisoners at Chowchilla against medical malpractice and lack of treatment) is prepared to announce that the DOC has complied with the court's order to provide adequate medical care. Such an opinion in a prison where the head Dr. told Ted Koppel on Nightline that the reason for unneeded pelvic exams instead of other medical treatment was because the women are sexually-deprived and like them! (This Dr. was moved to a desk job for revealing the practice.) Better sexually abused than sexually deprived?

Women are dying in Chowchilla and Valley State prisons from lack of adequate medical attention; they aren't dying from lack of forced sexual attentions. A year- or

two-year sentence has become a death sentence for several women in this past year.

Women everywhere are struggling to stay alive and to be treated like we are human beings. U.S. women prisoners have a lot in common with women in Taliban-dominated Afghanistan. We are among the "missing" — missing from free, productive labor, from the schools, from our home. Our ideas, skills, wisdom and common sense are missing from society. We are locked away, gagged and bound by our absence; we are censored. We are not present. Afghani women are imprisoned behind the shuttered walls of their family homes. They do not receive adequate medical treatment either because the women Drs. are also locked away and male Drs. may not even see the face of the woman needing care. We are all pushed toward death by deliberate detention and neglect.

Prisoners — women and men — would do well to remember and support the missing women, and all the missing who are locked away and hidden. We would do well to find ways to remove the gags, like the courageous Sis. Shumate and her sisters in CA prisons have done at great personal risk. Few women may receive an officially-imposed death sentence, but we are dying behind these prison walls. There are even prisoners who support the death penalty (though not for themselves I'm sure). There are others who act as executioners for the guards and/or inmate bullies. Can we stand by silent and accept dying as our "punishment" for being less human?

We can be motivated, productive women and men even behind these walls — artists, craftspersons, writers, engaged parents and students. Our lives have value no matter what any cop, politician or right-wing fundamen-

talist skill may scream.

Wouldn't it be novel, interesting and maybe even exciting to stop killing ourselves and instead look for ways to save our lives? We can support those who are fighting to stay alive, like the women prisoners with HIV, HCV and cancer who have sued to be treated like human beings; or like Mumia Abu Jamal who is fighting for his life and those of other prisoners on Death Row.

Our silence is suicidal.



NEW YORK UPDATES

NUH WASHINGTON, one of the New York 3, has been diagnosed with metastatic liver cancer. This is horrible news for anyone. As a political prisoner of more than 25 years, NUH has great practice with dealing with all kinds of horribleness and his spirits are good. He was recently hospitalized and given radiation therapy to reduce the size of the tumor on his spine. Now is the time for NUH to feel some return on all the love he has given us over the years. You or your crew can send him cards, books, cassettes, \$, or just ask him what he'd like: **ALBERT NUH WASHINGTON #77A1528**, Great Meadow, CF Box 51, Comstock NY 12821-0051. Or email jricho98@usa.net.

DHARUBA BIN WAHAD will begin a civil trial in October against the city of New York for its part in framing him for the attempted murder of 2 police officers. Dharuba spent 19 years in prison on this frame-up until his release in 1990. All charges were finally dropped in 1996. We'll keep you posted on this one.



Attica Brother Frank "Big Black" Smith and Elizabeth Fink, lawyer for the Attica Brothers, Nuh Washington and Dharuba Bin Wahad.

ATTICA SETTLEMENT

The largest amount of money ever awarded in a prison case in U.S. history was announced 01.04.00. The state of New York will pay \$12 million (\$8 to the ATTICA BROTHERS + \$4 to the lawyers). Next, there is a claims process whereby all who were tortured by guards etc. must file appropriate papers. Then starting in May hearings begin to allow descriptions of the individual tortures before the judge who will later decide just how much each plaintiff will be awarded. (hmmm? wonder just how that judge will know what a billy club blow to the head is worth??? or how 'bout a kick to the genitals???) It should also be noted that Frank BIG BLACK Smith's earlier award of \$4 million for severely being tortured and burned with cig butts was overturned in an appeal by the state. It is good that we can finally see an end to this struggle of 29 years; even tho the money really ain't close to a real damage amount. Please never forget: ATTICA IS ALL OF US

Not One More Bomb!

Denise Alvarado

I returned from visiting Vieques, Puerto Rico, about a month ago. There are 12 civil disobedience camps at the entrance to Camp Garcia and throughout the target area where the US Navy has practiced war maneuvers using live ordinance: bombs, bullets (uranium and other), amphibious landings and other exercises. The Navy is in the business of death and has devastated the environment with debris, litter, contamination of the ground and sea water, and has risked the lives of civilians, citizens of the United States. The population is about 9,500. 56 cases of cancer have been reported in just 3 years due to Navy occupation and live ammunition exercises.

I went to see for myself the damage and to express solidarity, to let them know that in California we are spread-

ing the word and support their cause.

In the target area there are several civil disobedience camps: Monte David, Cayo Yay, Congreso Nacional Hostosianos to name a few. The people there risk arrest and one doesn't see children or the elderly. It's dangerous with rules to follow: no fires (unexploded ordinance covered by soil can detonate), don't walk alone, no drugs or alcohol, share with others and get along. All are required to participate in night guard duty and to sound the alarm should the US Marshals appear to start the arrests. There are places covered with debris: bullet casings, shrapnel, parachutes, bombs, craters, planes and tanks riddled with holes from target practice. In the distance one can see the observation point where David Sanes Rodriguez was killed in April 99 by 2-500 pound bombs. After 9 months of peace yanked from the Navy one also sees wooden structures: a chapel and several communal buildings. There are horses, dogs, a rooster and its hens. Craters are filling with water, grass and

shrubs are growing, insects, fish and birds are returning. All are signs of renewal, of the power of life over death. Although some areas might not ever recover, there is hope and lots of work to give substance to that hope. Vieques is truly a paradise.

On January 31st the governor of Puerto Rico turned away from the people. The Viequeses never believed in the process of negotiations between Governor Rosell, the Navy, and the White House. That's why they built the camps, to defend the land against deception. Rosell has agreed to allow the Navy to resume bombing. A referendum will be put before the Viequeses, the date at the discretion of the Navy. There are only two choices: let the Navy stay using live ordinance as long as it wants, or the Navy out in 3 years. Neither choice represents the needs and desires of the people. Justice demands that the Navy clean the environment and never practice war on Vieques again!

December, 1999

August 24th and 25th were days filled with clashing realities whose long-term consequences still resonate. The departure from the United States is indelible, forever etched in my mind thanks to the incredible send off some of you gave me. I often think about the friends, comrades and supporters I saw chanting and waving banners as I left MCC-NY. A prelude to the large demonstrations, that 15 days later, would greet the newly liberated Puerto Rican political prisoners. Today my life is richer, less isolated, by the continued presence of many of you in my life. These friendships are the bridge that connect the two different worlds that make up my life. I treasure the experiences we shared over the last 30 years as we jointly battled injustice and oppression.

The arrival in Rome Before I could get off the plane, I had to be served with the decision issued by the Court of Appeals in Roma sentencing me to 30 years under the Italian Criminal Code. Without this formality, done quickly and courteously, I would have stepped off the plane a free person. There I was joined by my Italian lawyer who offered reassurances, a much-needed hug,

Head held high, shoulders back, with the aggressive quick steps that come from doing a lot of sports, I descended the stairs and opened the door of the police vehicle waiting on the tarmac. Taking these steps on my own, free of handcuffs and shackles, though surrounded by an army of policemen and women, generated misunderstandings, bitterness and criticism. "Not humble enough too eager and peppy too self assured too self-composed" are some of the descriptions that appeared in the media or were voiced by Italians on the street to describe my arrival.

Inside the terminal, I spent thirty minutes with my family. Our reunion took place in an open area surrounded by the curious stares of security forces, government representatives, and airport employees. Under these circumstances I found it impossible to express the excitement and joy I felt. Seeing my mother and finally being in Rome filled me with undiluted elation, probably abetted by a serious rush of adrenaline. While I was naively enjoying these temporary moments of freedom, a nasty political battle was gathering steam. A storm erupted over the role of the Justice Minister in bringing my mother to the airport. Questions were raised about this gesture. Had he acted in an official capacity, or was it only a humanitarian gesture as he claimed. Was a "terrorist" worthy of such attentions? Thankfully, this was not my battle, and I gladly left it to others.

I recognized only one individual in the crowd; he stepped in front of the car. But the knowledge that many friends were there and will be there in the future, if needed is a source of support that has sustained me in the difficult transition.

The Press Conference A choice was made to immediately face the press and gain some moments of peace in the following weeks. The press conference was well attended by all the media: television, newspapers, radio. Personally, by the time it occurred, I could no longer connect the dots. As the day wore on, the adrenaline seeped out of my body replaced by exhaustion. Keeping calm, answering all questions with equanimity and without rancor no matter the provocation, and finally expressing my gratitude to everyone were my objectives. It went well despite the hostility that surfaced from certain journalists who clearly had an agenda.

The following issues emerged: who had paid my fine (it recently erupted again when two articles were published reporting the loan the government made toward the payment of the fine at the time of the parole board); why was a government plane used to bring me back; why did I think the US finally let me go and was there a relationship to the tragedy of the Cermis; did I feel bound by the accord. These questions are still relevant today; in particular, the constitutionality of the accord is still

see **Silvia**, page 4

OOC wishes to thank "100 Lesbians and Our Friends" for a very generous donation of \$1350. Please pass the word to join them as they enhance and inspire Lesbian philanthropy for increasing Lesbian social change and cultural memory.

XOXOXOXOXOXOXOXOXOXOX

Also much gratitude to Max Airborne for the layout of this issue, and other services rendered.

WRITE-IN LEONARD PELTIER for
PRESIDENT in 2000!

MAKE YOUR COMMITMENT TODAY!

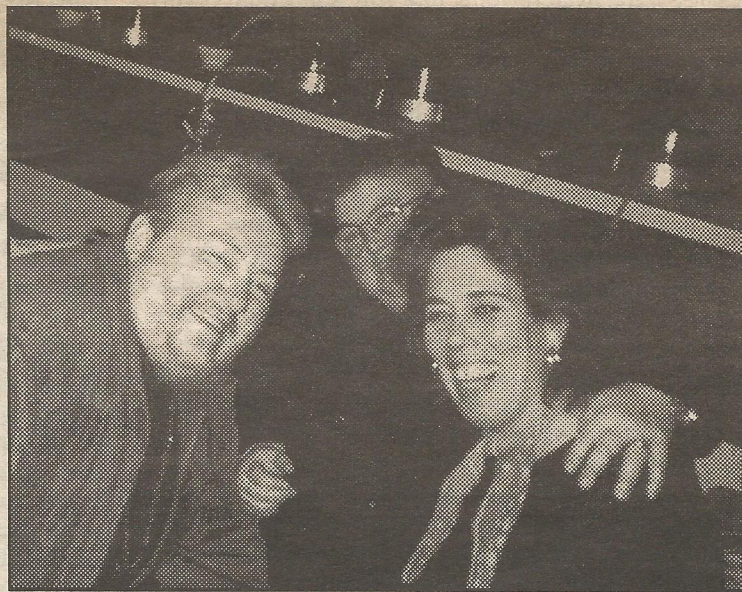
I, _____,
of _____
(town & state...address & tel# optional)

hereby commit myself to WRITE-IN
LEONARD PELTIER FOR PRESIDENT on
my Primary and Presidential ballot in 2000.

E-mail your commitment NOW to
harvey@wisdomkeepers.com

We CAN do it! It WILL happen! But it's up to each of us to do it. In Leonard's words:

"We must each be an Army of One!"
Leonard Peltier

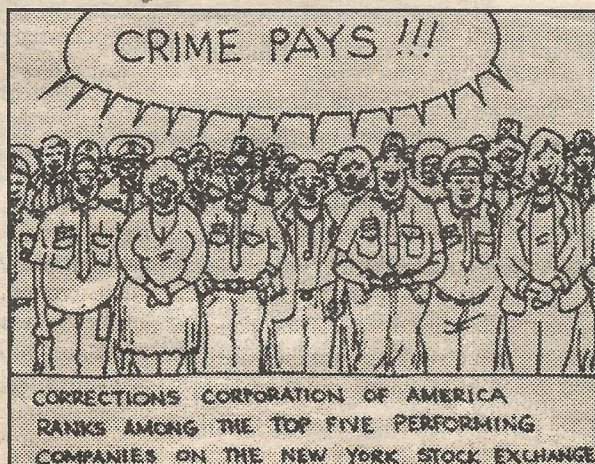


While lots of folks stayed home with their cases of 5-gallon water jugs, the Y2K hype didn't get to us. We were partying at the fat dykes New Year's dance.

Do you want to be more politically active, but not sure where to put your energy? contact Out of Control Lesbian Committee to Support Women Political Prisoners.

Out of Control
3543 18th St., Box 30
San Francisco, CA 94110

email: outoftime@igc.org



On January 3, Eddie went to court on a previously filed writ regarding the illegality of his being held in 'max' at central prison in Raleigh, N.C. rather than in the county where he was charged. The judge agreed with Eddie's position and sent him back to Robeson County Jail where his medical needs for AIDS can be met. This move will also allow his mother, Thelma, much less travel time to visit. And, it will give Eddie access to a law library and telephone privileges as well as facilities for confidential interviews with witnesses in his upcoming case. (for more info check last issue 12/99 of OOT or current issue of On Indian Land)....write Eddie Hatcher at Robeson Co. Jail, 122 Legend Rd., Lumberton, NC 28358. www.eddiehatcher.com or www.prisonactivist.org

being debated. Many legal experts have been interviewed. The majority seem to think it is unconstitutional. The government's position is best summarized by the following: "the accord must be respected". The government also announced that they will approach the US government to renegotiate. My position is that I want to be treated like an Italian prisoner with all the duties and rights that this status implies.

Prison Conditions I am housed in the maximum security unit at Ribibbia's Female Facility. The prison is part of a complex that also includes four male institutions on the north side of Rome. Approximately three hundred women are incarcerated here; the largest concentration in the country. Twelve women, a year old child, and thirty tomcats live in the maximum-security unit. While the cats are free to roam throughout the prison searching for food, we cannot leave the unit except for specific reasons escorted by an officer. We have minimal contact with the rest of the population. Physically, the unit is a square with an internal courtyard with two stone sinks where we do our wash. I am still in shock about having to wash everything by hand including towels! There is a small garden and gym (our recreation area), a separate visiting room (a marble table divides the space in half with a two foot glass partition), an infirmary for pill line, and a large room to promote social contact.

I live in a large single cell with an attached bathroom combination kitchen (a table and one-burner camping stove). In it, I spend a minimum of twelve hours a day; we are locked down from 8:00pm to 8:00am. The only jobs available are as orderlies and one official unit "writer" (me). Boredom is an often-voiced complaint

that the women combat by watching TV (one per cell), playing cards and gossiping. Every common area and hallway is monitored by a network of cameras. The officers spend the majority of the day in an office and enter the body of the unit only when called by one of us.

The recent arrival of Anna Anna, the one year old, has introduced a note of gaiety in the unit. Anna is a willful and strong-headed individual who demands to be acknowledged and loves attention. She has found eleven stepmothers who are very eager to spoil her. Doing time with a toddler is an unexpected byproduct of a system that allows mothers to keep their children until they reach the age of three. Because Anna's mother has been convicted of the Italian equivalent of RICO, she must do her time in this unit. Our gain is Anna's loss.

The days immediately following my arrival were the hardest. Due to a "misunderstanding" about the content of the accord, I was held in total isolation and under strict surveillance by officers that belong to an elite corps of the national prison system. My cell and I were searched daily. This stopped when my lawyer complained. I lost my guardian angels, and the daily searches have been replaced by monthly ones.

Currently, my conditions are evolving. Now I have two six minute phone calls a month; I receive regular visits from my family and a number of friends; I am allowed outside the unit for two sanctioned activities (volleyball and a club centered on social issues); I study Spanish and Italian literature with two outside teachers; I do yoga once a week. Recently a reform of the national regulations was announced with great fanfare. Italy needs to modernize its prison system to bring it in line with the rest of Europe. This reform would allow 24 hours of

family visits to promote emotional ties. The unions have voiced their opposition and some raised the specter of prisons being turned into "havens" while some male institutions have already enacted parts of the reform; this prison has not.

A few last comments before I close. Prisoners wear exclusively their own clothes; mail is not read, except in cases where the court or the central administration considers it a necessity; and it's opened in front of the recipient. Twenty kilos of food and clothes from the outside are permitted each month; strip searches are non-existent, and hand cuffs rarely used; and the food cooked by the women is fabulous.

Italy is a country of committed smokers. Italians smoke aggressively and with rage. The concept of second hand smoke is ignored or deemed unworthy of any acknowledgement. Once at the hospital, while lying on a table for a sonogram, I was surrounded by two individuals who smoked during the whole test. When I objected I was immediately pegged as "the American". There is not one area that is smoke free. I find this an incredible personal burden and an affront to my health.

I would go on, but this letter is already too long. I promise to write again soon. In the meantime; I wish everyone a happy beginning of the new millennium, and let's all work to stop Mumia's execution once and for all.

Peace, Silvia

P.S. Italy is totally committed to ending the death penalty and engaged in an international effort to convince other nations to abandon this barbaric practice.

Girls, continued from page 1

Like its predecessor "Three Strikes", if Proposition 21 becomes law, more children will enter the juvenile and adult criminal justice systems than ever before. Mixed with the adult prison population, these youth will be extremely vulnerable to rape, suicide, and other forms of violence. The overcrowding that will result from county juvenile and adult facilities will create a new need for prison construction. Taxpayers and existing social services will continue to be drained of billions of dollars to support the voracious appetite of the expanding prison industrial complex.

Girls in the Juvenile Justice System

As a direct result of laws like Proposition 21, the increased criminalization of young women has made them the fastest growing segment of the juvenile justice system. According to a study done in 1994, the top five female crimes were petty theft, running away, simple assault and disorderly conduct. In recent years aggravated assault, drug possession and curfew violations have brought more girls into the system. Nationally, the number of girls arrested for violent crimes, which are often fights with other young women, almost doubled between 1994 and 1998. Since it is estimated that one out of four youth arrested today are girls, the juvenile justice system has finally started responding to the unique needs and experiences of young women.

Research on female juvenile delinquency shows that the overwhelming majority of girls in the juvenile justice system are victims of physical and sexual abuse. Abuse in a girls' background highly correlates with her delinquent behavior. According to several studies, girls who report sexual abuse were more likely to get pregnant, be depressed, smoke, drink alcohol, and use drugs. As with adult women, drug abuse affects girls in many ways. A girl's pathway to drug addiction often leads her to sell drugs, steal, trade sex, and prostitute to support her habit. Besides increasing the likelihood of arrest, this risky behavior leaves girls exposed to sexually transmitted diseases, AIDS, rape, abusive relationships (usually with older men), and other types of violence.

Once a young woman enters the juvenile justice system, additional problems emerge. According to a March 1992 study of female juvenile offenders, girls have so few pre-

vention services that they often become chronic users of the juvenile system. When a girl first gets arrested, she is usually put on low level probation with curfew conditions, school attendance requirements, and mandatory drug testing. Without prevention services such as counseling, mentoring or academic tutoring, many girls end up returning to juvenile hall on probation violations rather than new criminal charges. Compounding this problem, girls are more likely to be held in detention for longer periods of times than boys are. This may be attributed to the fact that girls have fewer options in the juvenile system than boys. Whereas boys are given more prevention and intervention services such as anger management and rites of passage programs, a young woman is often ignored until she has racked up enough probation violations and/or new criminal charges to place her in a group home or juvenile detention facility. Since many girls end up running away from these establishments, they are often pulled into criminal activity in order to survive on the street. When the girl is re-arrested, she is brought back into the juvenile justice system where, more often than not, the cycle continues. Mirroring the experience of women in prison, if a girl becomes pregnant while in the juvenile system, it is almost guaranteed she will lose her child to the foster care system and spiral deeper into depression and delinquency. By recognizing the pattern of female juvenile delinquency, it is not surprising that majority of women in prison started out in the juvenile justice system.

Effect of Proposition 21 on Female Juvenile Offenders

Since girls in the current juvenile system often receive more punishment than prevention, their plight resembles what would happen to all youth if Proposition 21 became law. There are also specific provisions with the Initiative that would not only bring more girls into the criminal system, but also keep them there for life. Girls tend to commit crimes that are relationship-oriented, meaning they will hold drugs and guns, steal, sell drugs, and prostitute for a boyfriend (usually an older man). By working in concert with men and boys, girls will be more vulnerable to conspiracy charges and being labeled as a gang member. Since crime statistics show more girls are being arrested for serious felonies like aggravated assault and robbery, Proposition 21 will increase the amount of girls entering the adult system for violent

crimes. By provides no prevention funds, this Initiative will both severely reduce the small percent of rehabilitation services that currently exist for girls, and negate the overwhelming need for innovative new programs that could truly make a difference. Faced with these significant obstacles, if a young woman is successful in leaving the juvenile system, without confidentiality of her juvenile records, it will be much harder for her to find employment, get accepted into college, and turn her life around.

If California voters wake up and defeat this draconian law, there is still much work to be done. The juvenile justice system must be reformed to recognize and address the role that victimization plays in female juvenile delinquency. It is ludicrous that an offender's history of child abuse is only considered during a death penalty proceeding. All players within juvenile proceedings including the judge, prosecutor, defense attorney, social worker and probation officer must abandon their adversarial agendas and work together to address the root causes for why young women enter and stay in the criminal system.

In order to protect girls from the prison industrial complex, it is also imperative that we increase the quality and quantity of early intervention services. Prevention programs are estimated to be at least twice as effective and significantly cheaper than "3 strikes" laws designed to increase incarceration. These programs must be gender-specific in addressing all the diverse and complex issues girls in trouble face including: child sexual abuse, racism, depression, drug and alcohol addiction, teen pregnancy, dating violence, homophobia, and dropping out of school to name a few. Families, whenever possible, must always be included in these services. By investing in programs promoting life skills, cultural awareness, counseling, tutoring, mentoring, employment opportunities, etc., we will not only save the lives of young women, but future generation to come.

Julie Posadas, J.D. is a prevention specialist with the San Francisco District Attorney's Office. She teaches law to youth detained in San Francisco's Juvenile Hall and advocates for victim services and the rights of girls in the juvenile justice system. She can be reached at jposadas@home.com.